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Rep. Graham Filler, Chair  
House Judiciary Committee  
Room 519, House Office Building  
Lansing, Michigan

Dear Chair Filler,

The Friend of the Court Association has considered HB 5860 and 5861 and must offer our respectful opposition to these bills.

The bills propose to modify the Paternity Act and the Support and Parenting Time Enforcement Act, which the Circuit Court and Friend of the Court rely on to administer domestic relations cases pursuant to Title IV-D of the Social Security Act. Many of the provisions in these bills contradict current federal and state laws regarding the establishment and enforcement of pregnancy expenses and health insurance premiums to be paid by parents. As a result, if enacted into law, the Friends of the Court would be put in a position of enforcing orders that violate the federal laws and regulations put in place to guide our work.

Current federal and other state laws already establish a reasonable-expense standard for medical reimbursement; allocate medical care costs between parents; require all support obligations established against parents be based on their ability to pay; and authorize income withholding.

Additionally, the Friend of the Court Act (MCL 552.519) mandates the creation of a child support formula to calculate parents' monthly financial obligations. Such a formula is mandated by federal law. HB 5860 conflicts with the current formula by imposing a 50/50 sharing of costs rather than an apportionment based on income and ability to pay.

The bills also propose the use of income withholding to collect costs. However, income withholding is not permitted unless the underlying obligation is consistent with our existing formula, which provides for a division of costs based on each parents' income and ability to pay.

Further, the bills gender-specific language identifies the "father" as the only parent who might need to reimburse the other parent for expenses paid and it inappropriately identifies only the "mother" as a custodian who might be covering the children on her health care coverage. In today's reality, a legal non-birth mother or another relative may be the custodian and may be covering the health care needs of the child(ren).

The proposals conflicts with the following laws and mandates:

- The Social Security Act, Title IV-D
- 45 CFR 303.31
- 45 CFR 302.56
- MCL 552.519
- MCL 722.712
- MCL 400.233
- The Michigan Child Support Formula Manual

As an association, we offer the skills and expertise of our membership to the committee. We would welcome the opportunity to participate in a discussion of the issues raised in HB 5860 and 5861.

Sincerely,

*Suzanne Hollyer*

Suzanne Hollyer, Legislative Committee Chair  
Friend of the Court Association  
248-343-5514